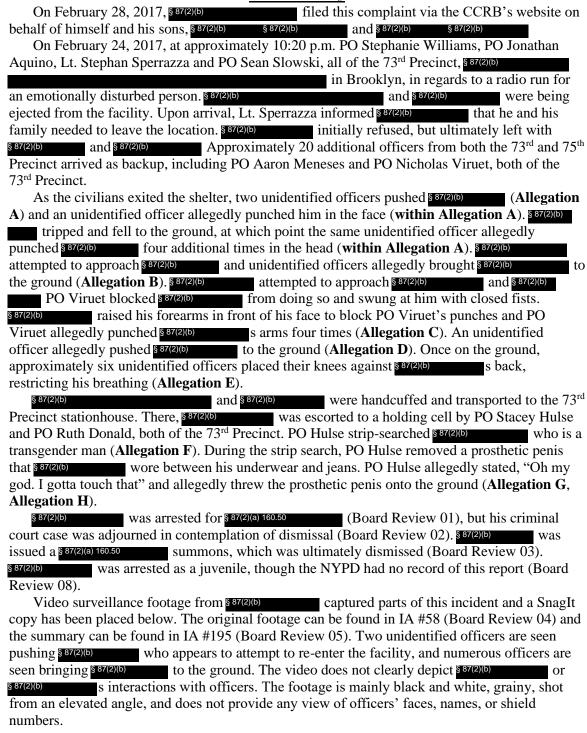
CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Геат: | CCRB Case #: | ✓ Force | ✓ Discourt. | U.S. |
|-----------------------------|-----------------------|-------------------------------------|------------------------------------|----------------|------------------|------------|
| Cassandra Fenkel | S | Squad #14 | 201701559 | ☑ Abuse | Ø O.L. | ☐ Injury |
| Incident Date(s) | 1 | Location of Incident: | 1 | Precinct: | 18 Mo. SOL | EO SOL |
| Friday, 02/24/2017 10:38 PM | | 87(2)(b) Precinct stationhouse | 73rd | 73 | 8/24/2018 | 8/24/2018 |
| Date/Time CV Reported | (| CV Reported At: | How CV Reported | : Date/Tim | e Received at CC | RB |
| Tue, 02/28/2017 3:12 PM | | CCRB | On-line website | Tue, 02/2 | 8/2017 3:12 PM | |
| Complainant/Victim | Type | Home Addr | ress | | | |
| | | | | | | |
| Witness(es) | | Home Addr | ess | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | | |
| 1. Officers | | | | | | |
| 2. POF Stacey Hulse | 10149 | 960692 | 073 PCT | | | |
| 3. An officer | | | | | | |
| 4. POM Nicholas Viruet | 31374 | 954408 | 073 PCT | | | |
| Witness Officer(s) | Shield No | Tax No | Cmd Name | | | |
| 1. POM Aaron Meneses | 31855 | 955187 | 073 PCT | | | |
| 2. POF Stephanie Williams | 19313 | 959377 | 073 PCT | | | |
| 3. POF Ruth Donald | 18920 | 962368 | 073 PCT | | | |
| 4. LT Stephen Sperrazza | 00000 | 939516 | 073 PCT | | | |
| 5. POM Jonathan Aquino | 15569 | 957337 | 073 PCT | | | |
| 6. POM Sean Slowski | 17713 | 959253 | 073 PCT | | | |
| Officer(s) | Allegation | ı | | Inv | estigator Recor | nmendation |
| A. Officers | Force: At officers us | ed physical force aga | inst ^{§ 87(2)(b)} in Broo | oklyn, | | |
| B. Officers | | ed physical force aga | inst § 87(2)(b) | oklyn, | | |
| C.POM Nicholas Viruet | Force: At Police Off | .87(2)(b) icer Nicholas Viruet u | in Brooused physical force a | | | |
| D. An officer | Force: At officer use | 87(2)(b) d physical force again | in Broomst § 87(2)(b) | oklyn, an | | |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------|---|-----------------------------|
| E. Officers | Force: At § 87(2)(b) in Brooklyn, officers restricted (b) s breathing. | |
| F.POF Stacey Hulse | Abuse: At the 73rd Precinct stationhouse, Police Officer Stacey Hulse strip-searched §87(2)(b) | |
| G.POF Stacey Hulse | Off. Language: At the 73rd Precinct stationhouse, Police Officer Stacey Hulse made remarks to § 87(2)(b) based upon § 87(2)(b) s gender identity. | |
| H.POF Stacey Hulse | Discourtesy: At the 73rd Precinct stationhouse, Police Officer Stacey Hulse acted discourteously toward § 87(2)(b) | |

Case Summary





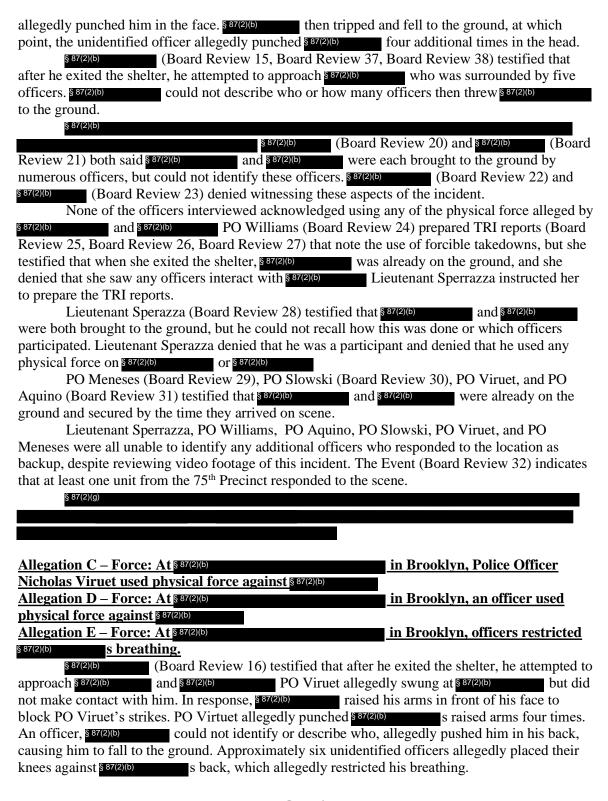
201701559_20171**p**25_4322_DM.mp4

| Mediation, Civil and Criminal Histories |
|--|
| • § 87(2)(b) rejected mediation. |
| A Notice of Claim has not been filed with the NYC Comptroller's Office regarding this |
| incident (Board Review 06). |
| ● [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] |
| |
| |
| |
| Civilian and Officer CCRB Histories |
| • This is second CCRB complaint involving \$87(2)(b) and \$87(2)(b) |
| (Board Review 10, Board Review 11, Board Review 12). § 37(2)(b) |
| • This is the first CCRB complaint filed against PO Viruet, a four-year-member-of-the-service, and PO Hulse, a one-year-member-of-the-service. |
| Potential Issues |
| The 73 rd Precinct's Prisoner Holding Pen Roster (Board Review 13) identified two women, |
| § 87(2)(b) and § 87(2)(b) as present in the holding cells at the same time as § |
| but both potential witnesses were unavailable to the investigation (see IAs for review |
| of the extensive contact attempts). |
| Findings and Recommendations |
| Explanation of Subject Officer Identification |
| Though PO Viruet (Board Review 17) denied using force against \$87(2)(5) as |
| alleged, \$87(2)(b) identified the officer who used force against him as one of his transport |
| officers and he described him as a white man with dark hair who was partnered with an Asian |
| man. In his CCRB interview, PO Viruet acknowledged that he and PO Meneses transported |
| to the 73 rd Precinct stationhouse. PO Viruet identified himself as a Hispanic man |
| with dark hair in his CCRB Interview Report Worksheet (Board Review 18), and PO Meneses |
| identified himself as an Asian man in his CCRB Interview Repot Worksheet (Board Review 19) |
| § 87(2)(g) |
| Allegation A- Force: At 887(2)(b) in Brooklyn, officers used |
| physical force against § 87(2)(b) |
| Allegation B – Force: At \$87(2)(b) in Brooklyn, officers used |
| physical force against 887(2)(b) |
| (Board Review 14) testified that he was the first of his family members to |
| exit the shelter, and that upon doing so, he attempted to go back inside to make sure |
| did not forget anything. An unidentified officer was entering at the same time, and |
| D 2 |

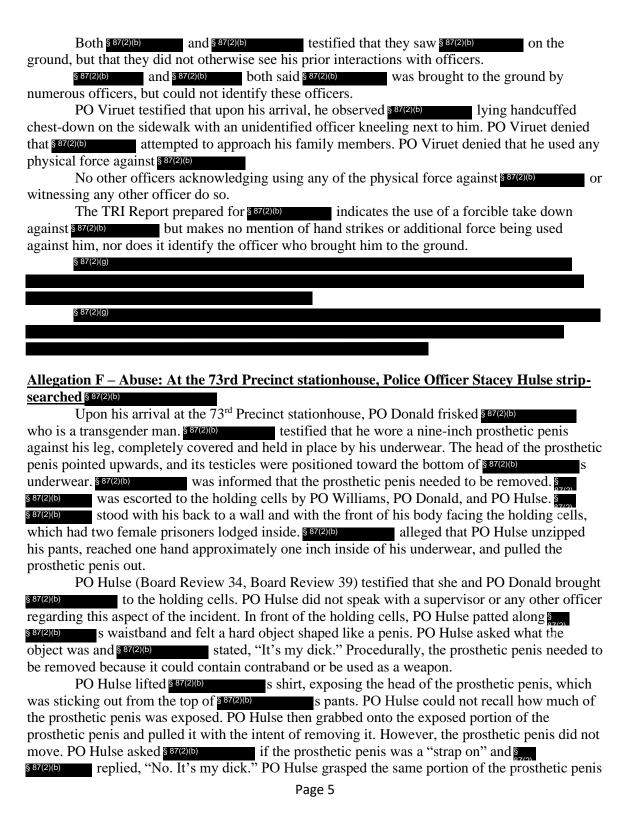
Page 3

CCRB Case # 201701559

§ 87(2)(g)



Page 4



| again and pulled harder, at which point the prosthetic penis was successfully removed from |
|--|
| s pants. PO Hulse denied that she did anything else to facilitate the removal of the |
| prosthetic penis, including unbuttoning, unzipping, or otherwise undoing \$87(2)(b) s pants. |
| PO Hulse denied that \$ \$7(2)(b) s underwear was exposed, and denied that her actions |
| constituted a strip search. When asked why she did not take \$\frac{\$87(2)(b)}{2}\$ to a more private |
| area to remove his prosthetic penis, PO Hulse testified that outside of the female holding cells |
| <u> </u> |
| was a private area. |
| PO Donald (Board Review 33) testified that while frisking \$87(2)(6) at the |
| stationhouse front desk, she felt a hard object inside of \$87(2)(b) s pants. PO Donald |
| believed the object was a prosthetic penis because \$87(2)(b) repeatedly yelled, "Suck my |
| dick!" PO Donald and PO Hulse brought \$87(2)(b) to the holding cells. PO Donald asked if |
| had anything that could poke him and he replied, "My dick." PO Donald and PO |
| Hulse each patted down \$87(2)(b) s legs and PO Hulse removed the prosthetic penis from |
| § 87(2)(b) s pants. |
| § 87(2)(g) |
| One of the |
| officers, PO Williams could not recall who, reached inside of \$87(2)(b) s pants and pulled |
| the prosthetic penis out. PO Williams was unable to describe this aspect of the incident in more |
| detail. |
| Neither § 87(2)(b) s arrest report nor his command log entry (Board Review 35) |
| indicate that a strip search was conducted or approved by a supervising officer. |
| According to NYPD Patrol Guide, Procedure 208-05 (Board Review 36), a strip search is |
| any search in which an individual's undergarments (e.g., bra, underwear, etc.) and/or private |
| areas are exposed or in which an individual's clothing is removed, lifted up, or pulled down to |
| expose undergarments or private areas. A strip search may be conducted with the approval of the |
| |
| arresting officer's immediate supervisor, if the arresting officer reasonably suspects that weapons, |
| contraband, or evidence may be concealed upon the person or in their clothing in such a manner |
| that they may not be discovered by previous search methods, and must be conducted in a private |
| area. |
| § 87(2)(g) |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| |
| Allegation G – Offensive Language: At the 73rd Precinct stationhouse, Police Officer Stacey |
| Hulse made remarks to \$87(2)(b) based upon \$87(2)(b) s gender |
| identity. |
| alleged that after PO Hulse removed the prosthetic penis, she stated, "Oh |
| PROPERTY AND ALL CONTRACTOR OF THE PROPERTY OF THE PROPERTY OF THE STATE OF THE STA |
| my god. I gotta touch that" and laughed. |

Page 6

| laughing. | | | |
|---------------------|-------------------------------|---------------------------------|--|
| No offi | cer interviewed acknow | vledged hearing the alleged s | tatement. |
| § 87(2)(g) | | | |
| | | | |
| | | | |
| | | | |
| Allegation H - | Discourtesy: At the 73 | 3rd Precinct stationhouse, l | Police Officer Stacey Hulse |
| acted discourte | eously toward § 87(2)(b) | | |
| § 87(2)(b) | alleged that af | ter PO Hulse removed the pr | osthetic penis from her pants, |
| she threw it ont | o the floor. | | |
| PO Hul | se acknowledged that s | she put the prosthetic penis or | n the floor after she removed |
| it, but she denie | d that she threw it. She | said she placed it on the floo | or while she completed |
| searching § 87(2)(b | | | |
| | | | enis after it was removed from |
| | | the prosthetic penis on the f | |
| | | hat either PO Hulse or PO De | |
| | | e of § 87(2)(b) s bags. | PO Williams denied that she |
| • | throw the prosthetic pe | | |
| | | | d Review 40), an officer must |
| | d respectful while inter | acting with the public. | |
| § 87(2)(g) | | | |
| | | | |
| | | | |
| | | | |
| | | • | |
| | | | |
| 0 1 1/14 | | | |
| Squad: #14 | | | |
| | | | |
| T | | | |
| Investigator: | G : | | |
| | Signature | Print | Date |
| 0 17 1 | | | |
| Squad Leader: _ | FC: 1 (G: | | |
| | Title/Signature | Print | Date |
| D | | | |
| Reviewer: | TP: 41 /Q: | | - ———————————————————————————————————— |
| | Title/Signature | Print | Date |
| | | | |

PO Hulse denied saying anything along the lines of "Oh my god. I gotta touch that" or

Page 7